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Attorneys for Plaintiffs, U.C., a minor, by  
and through his Guardian Ad Litem, Susan  
Torres and SUSAN TORRES

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

U.C., a minor, by and through his  
Guardian Ad Litem, Susan Torres,

Plaintiff,

vs.

UNITED STATES OF AMERICA,  
TIFFANY ISLES, M.D., MICHAEL  
PRICE, M.D., CLINICAS DE SALUD  
DEL PUEBLO, INC. and DOES 1  
THROUGH 50, inclusive,

Defendants.

CASE NO.: **'15CV0533 H KSC**

**COMPLAINT FOR DAMAGES FOR  
MEDICAL NEGLIGENCE AND  
DEMAND FOR JURY TRIAL**

**GENERAL ALLEGATIONS**

1. This court has jurisdiction pursuant to 28 U.S.C. §2671, 1346(b)(1), and 1367(a).
2. Plaintiff is, and at all times mentioned herein was, a resident of the Southern District of California.
3. Upon information and belief, Plaintiff alleges that Defendants TIFFANY ISLES, M.D., and MICHAEL PRICE, M.D. were employees of CLINICAS DE SALUD DEL PUEBLO, INC. at all times material to this action. Plaintiff is further

1 informed and believes and thereupon alleges that Defendants TIFFANY ISLES, M.D.,  
2 MICHAEL PRICE, M.D. are federal employees pursuant to 42 USC §233, 28 USC  
3 §2671, and 28 USC §2679(d) at the time of all events in this action.

4 4. Plaintiff further alleges and believes that CLINICAS DE SALUD DEL  
5 PUEBLO, INC. was, at all relevant times, an agent of the United States of America  
6 and a Health Resources and Services Administration supported health center and  
7 considered a Federal employee pursuant to 42 USC §233, 28 USC §2671, and 28 USC  
8 §2679(d).

9 5. Defendant UNITED STATES OF AMERICA is the party subject to suits  
10 arising from the wrongful acts of employees of the federal government while acting  
11 within the scope of their office or employment under circumstances where the United  
12 States, if a private person, would be liable to the claimant in accordance with the law  
13 of the place where the act occurred.

14 6. Plaintiff has properly and timely exhausted his administrative remedies  
15 under the Federal Torts Claims Act, and this action is timely filed. Venue is proper  
16 because the acts complained of occurred exclusively in the Southern District of  
17 California.

18 7. The true names, identities or capacities, whether individual, associate,  
19 corporate or otherwise of Defendants DOES 1 through 50, inclusive, are unknown to  
20 Plaintiff who, therefore, sues said Defendants by such fictitious names. When the true  
21 names, identities or capacities of such fictitiously-designated Defendants are  
22 ascertained, Plaintiff will ask leave of Court to amend the Complaint to insert said true  
23 names, identities and capacities, together with the proper charging allegations.

24 8. Plaintiff is informed and believes and thereon alleges that each of the  
25 Defendants sued herein as a DOE is responsible in some manner for the events and  
26 happenings herein referred to, thereby legally causing the injuries and damages to the  
27 Plaintiffs as herein alleged.

28 9. At all times herein mentioned, Defendants, TIFFANY ISLES, M.D.,

1 MICHAEL PRICE, M.D. and DOES 1 through 10 inclusive, were, and now are,  
2 physicians and surgeons, holding themselves out as duly licensed to practice their  
3 profession under and by virtue of the laws of the State of California and were, and  
4 now are, engaged in the practice of their profession in the Southern District of  
5 California.

6 10. At all times herein mentioned, Defendants DOES 11 through 20,  
7 inclusive, were, and now are, registered nurses, licensed vocational nurses, practical  
8 nurses, certified nurse midwives, aids, technicians, attendants, students or other  
9 paramedical personnel, holding themselves out as duly able to practice their  
10 profession under and by virtue of the laws of the State of California and were, and  
11 now are, engaged in the practice of their profession in the State of California and  
12 acting as agents, ostensible agents, employees and servants of some or all of the other  
13 Defendants within the course and scope of said agency or employment.

14 11. At all times herein mentioned Defendants CLINICAS DE SALUD DEL  
15 PUEBLO, INC. and DOES 21 through 30, inclusive, were corporations, partnerships,  
16 joint ventures, or other entities organized and existing under the laws of the State of  
17 California, with their principal place of business situated in the Southern District of  
18 California.

19 12. At all times herein mentioned, Defendants, CLINICAS DE SALUD DEL  
20 PUEBLO, INC. and DOES 31 through 40, inclusive, were duly organized California  
21 corporations, partnerships, hospitals or other entities, existing under and by virtue of  
22 the laws of the State of California; that said Defendant corporations, hospitals and the  
23 remaining Defendants, and each of them, owned, operated, managed and controlled a  
24 general hospital facility within the Southern District of California, held out to the  
25 public at large and to the Plaintiffs herein, as properly equipped, fully accredited,  
26 competently staffed by qualified and prudent personnel and operating in compliance  
27 with the standard of due care maintained in other properly equipped, efficiently  
28 operated and administered, accredited hospitals in said community commonly.

13. Defendants CLINICAS DE SALUD DEL PUEBLO, INC. and DOES 1 through 50, inclusive, at all times herein mentioned were institutions or controlled institutions, duly accredited by the Joint Commission on Hospital Accreditation, and assumed and held themselves out to the public and to Plaintiffs as in compliance with the minimum standards required by said Joint Commission for such accreditation.

14. Plaintiff is informed and believes and upon such information and belief allege that at all times herein mentioned, Defendants and other Defendants, including DOES 1 through 50, named fictitiously, were the agents, ostensible agents, servants, employees, joint-venturers, and co-partners of their said co-Defendants, including DOES 1 through 50, and, as such, were acting within the course and scope of such agency, service, partnership, venture, and employment at all times herein mentioned; that each and every Defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring of each and every other Defendant, as its agent, ostensible agent, servant, employee, joint-venturer and partner. Further, each and every Defendant ratified the conduct of the other Defendants.

15. Plaintiff is informed and believes that at the time of judgment he will be entitled to prejudgment interest because the Defendants will have rejected an offer pursuant to the terms of Code of Civil Procedure Section 998 and will have failed to obtain a more favorable judgment.

**PLAINTIFF U.C., a minor, by and through his Guardian Ad Litem, Susan Torres, ALLEGES A CAUSE OF ACTION FOR NEGLIGENCE AGAINST DEFENDANTS UNITED STATES OF AMERICA, TIFFANY ISLES, M.D., MICHAEL PRICE, M.D., CLINICAS DE SALUD DEL PUEBLO, INC. AND DOES 1 THROUGH 50**

16. Plaintiffs U.C., a minor, by and through his Guardian Ad Litem, Susan Torres, repeats and repleads each and every allegation contained in all prior paragraphs and incorporates the same herein.

17. Plaintiff, Susan Torres, mother of the minor Plaintiff, was by order duly

1 made and entered in the Superior Court for the County of Imperial, California on  
2 November 13, 2013, appointed Guardian Ad Litem of Plaintiff U.C., a minor, born  
3 August 22, 2012.

4 18. Prior to August 22, 2012, the date of U.C.'s birth, and thereafter, Susan  
5 Torres employed Defendants, and each of them, to diagnose and treat her condition of  
6 pregnancy and to do all things necessary for her care and the care of her baby, U.C.,  
7 including, but not limited to, pre-delivery care, delivery, and post-delivery care.

8 19. While Susan Torres and minor Plaintiff U.C. were under the sole and  
9 exclusive care and control of the Defendants, and each of them, Defendants, and each  
10 of them negligently, carelessly and unskillfully delivered, examined, treated, cared  
11 for, diagnosed, operated upon, attended and otherwise handled and controlled the  
12 minor Plaintiff herein, thereby proximately causing injuries and damages to the minor  
13 Plaintiff.

14 20. Defendants neglected to adequately select a competent medical staff and  
15 to periodically review the competency of its medical staff and failed to adequately  
16 monitor its staff such that the minor Plaintiff was caused to, and did suffer damages.

17 21. At all times herein mentioned, the Plaintiff, U.C., a minor, and Susan  
18 Torres, were in the exclusive control of the Defendants, and each of them, and that at  
19 no time prior to the events, conduct, activities, care and treatment herein complained  
20 of did the Defendants herein, or any of them, obtain knowledgeable, informed consent  
21 for said care, treatment or conduct; that prior to the initiation of or performance of said  
22 care, treatment, procedure or conduct no opportunity was afforded the Plaintiff or any  
23 authorized agent of the Plaintiff to exercise voluntary, knowledgeable and informed  
24 consent to said care, treatment, procedure or conduct.

25 22. As a legal result of the negligence of the Defendants, and each of them,  
26 the minor Plaintiff was injured in health, strength and activity, sustaining severe  
27 shock, and injury to the body, including but not limited to severe Erb's Palsy and  
28 neurological damage, all of which said injuries have caused and continue to cause the



1 minor Plaintiff great physical, emotional, and nervous pain and suffering, and which  
2 said injuries the minor Plaintiff is informed and believes, and thereon alleges, will  
3 result in loss of earnings, permanent disability, loss of enjoyment of life, and  
4 impairment of earning capacity all to Plaintiff's damage in a sum in excess of the  
5 jurisdiction of this Court.

6 23. As a further legal result of the negligence of the Defendants, and each of  
7 them, and the resulting injuries to the minor Plaintiff, said minor Plaintiff was  
8 compelled to, and did, incur expenses for medical and surgical attention,  
9 hospitalization, nursing, medication and incidentals for said Plaintiff in an amount to  
10 be proven at trial.

11 24. As a further legal result of the negligence of the Defendants, and each of  
12 them, and of the resulting injuries, the minor Plaintiff will be obliged to incur  
13 expenses for medical care and hospitalization for an indefinite period in the future and  
14 to pay for these expenses in the treatment and relief of injuries for medical and  
15 surgical attention, hospitalization, nursing, medication, and incidentals for said minor  
16 Plaintiff in an amount unknown to Plaintiff at present and to be proven at trial.

17 25. As a further legal result of the negligence of the Defendants, and each of  
18 them, Plaintiff will suffer a decreased earning capacity in the future and future  
19 earnings to Plaintiff's further damage in a sum unknown at present and to be proven at  
20 the trial in this matter.

21 26. Under the Federal Torts Claims Act, Defendant UNITED STATES OF  
22 AMERICA is liable for the negligence of its employees, agents, and ostensible agents,  
23 TIFFANY ISLES, M.D., MICHAEL PRICE, M.D., CLINICAS DE SALUD DEL  
24 PUEBLO, INC. and DOES 1 THROUGH 50 as described above, while acting within  
25 the scope of their employment.

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WHEREFORE, Plaintiff prays for judgment against Defendants UNITED STATES OF AMERICA, TIFFANY ISLES, M.D., MICHAEL PRICE, M.D., CLINICAS DE SALUD DEL PUEBLO, INC. and DOES 1 THROUGH 50, and each of them as follows:

1. Economic and non-economic damages according to proof;
2. Past and future medical expenses, according to proof;
3. For loss of future earning and earning capacity, according to proof;
4. Prejudgment interest;
5. Costs of suit incurred herein, and
6. For such other and further relief as to the Court appears just and proper.

Dated: March 5, 2015

DONAHUE & HORROW, LLP

/s/ Thomas E. Donahue  
THOMAS E. DONAHUE  
JOHN P. WORGUL  
*Attorneys for Plaintiff*

DEMAND FOR JURY TRIAL: Plaintiff hereby requests a trial by jury.

DATED: March 5, 2015

DONAHUE & HORROW, LLP

/s/ Thomas E. Donahue  
THOMAS E. DONAHUE  
JOHN P. WORGUL  
*Attorneys for Plaintiff*